

DISTRICT OF NEW JERSEY
UNITED STATES BANKRUPTCY COURT

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Mortgage LLC d/b/a Mr. Cooper

In Re:

EDILIO F. MARIN

Debtor(s).

Case No.: 19-27270-rg

Hearing Date: March 4, 2020

Judge: Rosemary Gambardella

Chapter: 13



Order Filed on June 15, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Recommended Local Form:



Followed



Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and three (3) four is hereby **ORDERED**.

DATED: June 15, 2020

DATED:

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Applicant: Secured Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
Applicant's Counsel: Lynn T. Nolan, Esq.
Debtor's Counsel: David G. Beslow, Esq.
Property Involved ("Collateral"): 141 Northfield Road, Rochester, NY 14617

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 3 months, from 3/1/2020 to 5/1/2020

☒ The Debtor is overdue for 3 payments at \$ \$1,099.09 per month

☐ The Debtor is assessed for late charges at \$ per month.

☒ Applicant acknowledges suspense funds in the amount of \$155.59.

Total Post-Petition Arrearages Due \$3,141.68.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Beginning on 6/1/2020, regular monthly mortgage payments shall continue to be made in the amount of \$1,099.09.

☒ Beginning on 6/1/2020, additional monthly cure payments shall be made in the amount of \$785.42 for four (4) months (6/1/2020 to 9/1/2020),

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Nationstar Mortgage, LLC d/b/a Mr. Cooper
PO Box 619094
Dallas, TX 75067

☒ Regular Monthly payment:

Nationstar Mortgage, LLC d/b/a Mr. Cooper
PO Box 619094
Dallas, TX 7506

☒ Monthly cure payment:

Nationstar Mortgage, LLC d/b/a Mr. Cooper
PO Box 619094
Dallas, TX 7506

4. In the event of Default:

☒ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post-petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney, and the Court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtor(s) converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor(s) fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtors' attorney, and the Court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtors' attorney, and the Court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys' fees of \$525.00, and costs of \$181.00.

The fees and costs are payable:

☒ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Edilio F Marin
DebtorCase No. 19-27270-RG
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Jun 15, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 17, 2020.

db +Edilio F Marin, 41 Fairview Avenue, Teaneck, NJ 07666-5912

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 17, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 15, 2020 at the address(es) listed below:

David G. Beslow on behalf of Debtor Edilio F Marin yrodriguez@goldmanlaw.org,
yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
Denise E. Carlon on behalf of Creditor Bayview Loan Servicing, LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Kevin Gordon McDonald on behalf of Creditor Bayview Loan Servicing, LLC
kmcDonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Maria D. Ramos-Persaud on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
mramos-persaud@grosspolowy.com, ecfnofices@grosspolowy.com
Maria D. Ramos-Persaud on behalf of Creditor Nationstar Mortgage, LLC d/b/a Mr. Cooper
mramos-persaud@grosspolowy.com, ecfnofices@grosspolowy.com
Marie-Ann Greenberg magecf@magtrustee.com
Mark Goldman on behalf of Debtor Edilio F Marin yrodriguez@goldmanlaw.org,
yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
Melissa N. Licker on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
NJ_ECF_Notices@mccalla.com, mccallaecf@ecf.courtdrive.com
Phillip Andrew Raymond on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
phillip.raymond@mccalla.com, mccallaecf@ecf.courtdrive.com
Stephanie DeLuca on behalf of Creditor First Commerce Bank sdeluca@magglawnj.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11